IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Bail Appl..No. 7061 of 2007()

CRLMP.2753/2007 of DISTRICT COURT, KOTTAYAM
CRIME NO.271/2006 OF KURAVILANGADU POLICE STATION

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: PETITIONER/ACCUSED

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1. BAIJU,S/O.JOSEPH,PALLIPPATTU VEEDU
   ARIPPARA BHAGOM, EDAPPADY KARA
   BHARAMANGANAM.

2. BINU,S/O.THANKAPPAN, INCHIYIL VEEDU
   ARIPPARA BHAGOM, EDAPPADY KARA
   BHARAMANGANAM.

BY ADV. SRI.LAL GEORGE
SMT.ANN SUSAN GEORGE

RESPONDENTS: COMPLAINANTS

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1. STATE OF KERALA
   REPRESENTED BY PUBLIC PROSECUTOR
   OFFICE OF THE ADVOCATE GENERAL
   ERNAKULAM.

2. STATTION HOUSE OFFICER
   KURAVILANGADU POLICE STATION
   KURAVILANGADU, KOTTAYAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7061 of 2007

Dated this the 20th day of November 2007

O R D E R

Application for regular bail. The petitioners are accused 3 and 4. They were allegedly engaged by the first accused who is allegedly a person organising persons to commit crime. First accused in turn was allegedly engaged by the fifth accused to commit the offence. Petitioners are allegedly mercenaries who were engaged by the first accused at the instance of the fifth accused to commit the offence in question. They had allegedly attacked the victim and inflicted serious injuries on him. The incident took place on 13/12/2006. In the F.I statement, the petitioners are not named at all. There is only reference to two unnamed persons who had committed the crime. In the course of the investigation, the complicity of the petitioner was identified. They were arrested on 11/10/2007. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are not named in the F.I.R. They are absolutely innocent. They may be enlarged on bail. They are remaining in custody from 11/10/2007.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the allegations are serious. Investigation is complete. Accused 1 and 5 are even now absconding. In a serious crime like this, the investigating officer may be given reasonable time to complete the investigation, submits the learned Public Prosecutor.

4. I find merit in the opposition by the learned Public Prosecutor. I am not satisfied that the petitioners deserve to be enlarged on bail at this stage. Non-mentioning of their names in the F.I.R is, according to me, absolutely irrelevant as there is no case that the petitioners are known to the victim earlier.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court or the courts below for bail again at later stages of the investigation not, at any rate, prior to 04/12/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007